

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/10/2022
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EMR IMAGING, LLC,)	
)	
Plaintiff,)	
)	
- against -)	Case No. 19-cv-4004-VM
)	
PHIL PARADISE,)	
)	
Defendant.)	

NOTICE OF MOTION TO CONFIRM FINAL ARBITRATION AWARD

Please take notice that pursuant to Sections 6 and 9 of the Federal Arbitration Act, 9 U.S.C. §§ 6, 9 (“FAA”), plaintiff EMR Imaging, LLC (“EMR”), upon the attached exhibits and accompanying memorandum of law, hereby moves this Court for an order confirming and entering judgment consistent with the Final Award of Arbitrator (“Final Award”), dated February 22, 2022, issued in an arbitration proceeding administered by the American Arbitration Association’s (“AAA”) Commercial Arbitration Tribunal before Hon. Harriet Derman (Ret.), as sole Arbitrator, styled Plug Digital, LLC and Phil Paradise (Claimants), and EMR Graphics, LLC and EMR Imaging, LLC (Respondents), AAA Case No. 01-19-0001-4342 (the “Arbitration”).

The Final Award ordered Plug Digital, LLC (“Plug”) and Phil Paradise (“Paradise”) to pay EMR the total amount of \$230,937.06. A true and correct copy of the Final Award is attached hereto as Exhibit A. (See Docket No. 40-1). A true and correct copy of the previous Partial Final Award of Arbitrator (“Partial Final Award”) dated December 10, 2021, is attached hereto as Exhibit B. (See Docket No. 40-2). A true and correct copy of the Stipulation and Order Staying Litigation in Favor of Arbitration is recorded on the docket at Docket No. 38.

WHEREFORE, EMR respectfully requests that this Court enter an order:

- (a) Confirming the Final Award, as entered by the Arbitrator on February 22, 2022;
- (b) Entering final judgment on the Final Award in favor of EMR and against Paradise in the amount of \$230,937.06, which includes \$214,636.00 in damages for unpaid back rent and \$16,301.06 in prejudgment interest;
- (c) Requiring Paradise to pay post-judgment interest at the rate available under 28 U.S.C. § 1961 from the date of the order through the date the judgment is fully satisfied; and
- (d) Granting EMR such other and further relief as the Court may deem just and proper.

This 9th day of March, 2022.

ROSENFELD & KAPLAN, LLP

/s/ Tab K. Rosenfeld

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Defendant is hereby ordered to respond to Plaintiff's motion within five (5) days, informing the Court of whether any opposition is contemplated, and if so, the good faith grounds for that opposition.

SO ORDERED.

3/10/2022

DATE


VICTOR MARRERO, U.S.D.J.